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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,600	01/20/2000	Evgeniy M. Getsin	IACTP014	6033
22242	7590	07/29/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/489,600	Applicant(s) GETSIN ET AL.	
	Examiner Dustin Nguyen	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 19-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>see below</u> . | 6) <input type="checkbox"/> Other: _____ |

Mailed date: 11/14/2003, 11/25/2003, 01/05/2004, 01/06/2004, 05/26/2004.

DETAILED ACTION

1. Claims 1-6, 19-32 are presented for examination.

Information Disclosure Statement

2. Examiner requests Applicants to resubmit the missing references for consideration.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6, 19-21, 23, 24, 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. The following terms lack antecedent basis:

- I. A method - claims 2-6, 31 line 1
- II. the overlay - claim 32

- B. Regarding claims 1, 19, 20, 23, 32, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 6, 19-26, 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. [US Patent No 5,808,662], in view of Hazenfield [US Patent No 5,991,374].

7. As per claim 1, Kinney discloses the invention substantially as claimed including a method for creating a synchronizer object in order to playback an event simultaneously on a plurality of a client apparatuses, comprising the steps of:

receiving a request utilizing a network for viewing an event [col 1, lines 46-50; and col 2, lines 17-20];

creating an object in response to the request [i.e. data structure] [col 5, lines 36-51], the object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal [Abstract; col 1, lines 45-48; and col 3, lines 9-15]; and

sending the object to one of the client apparatuses utilizing the network for being stored therein [col 6, lines 55-67], wherein the event is not communicated over the network in real-time during the playback of the event such that network bandwidth use is limited [col 1, 15-24 and lines 51-65].

Kinney does not specifically disclose

queuing the request in memory.

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Hazenfield discloses

queuing the request in memory [i.e. buffer] [col 18, lines 53-col 19, lines 4].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Kinney and Hazenfield because Hazenfield's teaching would provide an orderly process of information to prevent data corruption.

8. As per claim 2, Kinney discloses the request is received via an application program embedded in a site on the network [170, Figure 1; and col 4, lines 41-49].

9. As per claim 3, Kinney discloses wherein the object is adapted to playback the event which is stored in memory of the client apparatus [col 3, lines 41-59].

10. As per claim 5, Kinney discloses the object identifies a start time when the playback of the event is to begin on each of the client apparatus [col 5, lines 52-col 6, lines 9].

11. As per claim 6, Kinney discloses the activation signal is provided using a clock of the client apparatus [col 5, lines 4-20; and col 4, lines 17-31].

12. As per claim 19, Kinney discloses communicating overlay data over the network to the plurality of client apparatus during the playback of the event such that the overlay data is played back during the playback of the event [col 6, lines 21-37].

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13. As per claim 20, Kinney discloses

determining if the request is received prior to a threshold period [i.e. seek] [col 4, lines 41-64];

the creating an object in response to the request further comprises creating an object in response to the request if the request is received prior to the threshold period wherein the object identifies a start time when the playback of the event is to begin on each of the client apparatus [col 5, lines 52-col 6, lines 19]; and

creating an object in response to the request when the request is received during the threshold period, wherein the object created for the request received during the threshold period is adapted to playback the event at a predefined period within the playing of the event following the start time of the event such that the playback of the event is synchronized [i.e. seek] [col 2, lines 15-29].

14. As per claim 21, Kinney discloses the predefined period within the playing of the event comprises a predetermined chapter of the event [i.e. track] [col 3, lines 1-9].

15. As per claims 22 and 23, they are rejected for similar reasons as stated above in claims 1 and 20.

16. As per claim 24, it is rejected for similar reasons as stated above in claim 21.

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17. As per claims 25 and 26, they are rejected for similar reasons as stated above in claims 2 and 3.

18. As per claim 28, it is rejected for similar reasons as stated above in claim 5.

19. As per claim 29, Kinney discloses generating the activation signal; and sending the activation signal to the client apparatuses causing an initiation of playback of the event stored on the client apparatus [col 5, lines 35-51; and col 6, lines 55-66].

20. As per claims 30 and 31, they are rejected for similar reasons as stated above in claims 1 and 29.

21. As per claim 32, it is rejected for similar reasons as stated above in claim 19.

22. Claims 4 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. [US Patent No 5,808,662], in view of Hazenfield [US Patent No 5,991,374], and further in view of Roberts et al. [US Patent No 6,161,132].

23. As per claim 4, Kinney and Hazenfield do not specifically disclose a digital video disc (DVD). Roberts discloses a digital video disc (DVD) [col 2, lines 5-10]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of

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Kinney, Hazenfield and Roberts because Roberts' teaching would permit multiple types of video to be adapted and playback including digital video for value added to the system.

24. As per claim 27, it is rejected for similar reason as stated above in claim 4.

25. Applicant's arguments with respect to claims 1-6, 19-32 have been considered but are moot in view of the new ground(s) of rejection.

26. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

1.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen


ZARNI MAUNG
PRIMARY EXAMINER